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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/760,647	01/17/2001	Naoto Kinjo	Q62079	3441

  

EXAMINER	
JONES, HEATHER RAE	

  

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/760,647	KINJO, NAOTO	
	<b>Examiner</b>	<b>Art Unit</b>	
	Heather R. Jones	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 8-10,15,17-19,25,27 and 32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-10,15,17-19,25,27 and 32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed October 17, 2007 have been fully considered but they are not persuasive.

The Applicant argues on page 10, lines 18-21 that one of ordinary skill in the art would not have combined the Tullis and Takemura references in order for the user to get the desired finished photo they intended. The Examiner respectfully disagrees. Tullis provides the user with an enhanced digital image without allowing the user to change the image to their liking. Meanwhile Takemura allows a user to receive an enhanced digital image wherein the user specified different parameters for the image to be processed with. Therefore, by combining Takemura with Tullis, Takemura is allowing the user in the Tullis reference to make adjustments according to how the user sees fit, thereby making a user-friendlier product.

The Applicant argues that Tabata would not clearly teach or suggest the claimed feature of wherein image processing is performed according to the priority of the plural types of external apparatuses. The Examiner respectfully disagrees. Tabata discloses that the user preliminarily selects and prioritizes which features about the external apparatuses are important to the user. The computer then goes and makes a list of the external apparatuses that best meet the conditions the user has set forth and lists them to the user in order of priority that has been set preliminarily. When the list is created the computer sorts the

external apparatuses the external apparatuses are prioritized according to how many prioritized features it fulfills (Fig. 10; col. 10, lines 46-55; col. 10, line 64 – col. 11, line 8). The user then makes a selection according to the results compiled by the computer.

2. In response to applicant's arguments against the Tullis, Takemura, and Tabata references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). See claims 8 and 15 for an explanation on how these references have been combined.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8-10, 15, 17-19, 25, 27, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tullis (U.S. Patent 6,535,243) in view of Takemura (JP 11-88672) in view of Tabata (U.S. Patent 6,198,542). Furthermore, note that all of the citations regarding the Takemura reference are taken from the corresponding translated case U.S. Patent 6,657,658.

Regarding claim 8, Tullis discloses an image processing apparatus comprising: a receiving/supplying unit which receives photographed image data from a camera (40) having an image sensor and capable of obtaining the photographed image data (col. 2, lines 46-48); and an information processing unit (10) which determines information relating to image processing in accordance with the photographed image data (col. 2, lines 58-65). However, Tullis fails to disclose an image processing method wherein the camera supplies the information processing unit photographed image data along with additional information, wherein the additional information is at least one of an adjustment parameter of deterioration of marginal lumination of the camera, an adjustment parameter of poor focus of the camera, an adjustment parameter of gradation control of density, or color or color of an image, an adjustment parameter of sharpness enhancement processing or smoothing processing of the image, an adjustment parameter of geometrical adjustment of the image and information relating to designation of an applicable area of these image processing, the additional information is set in the camera by a user. Furthermore, Tullis fails to disclose the camera being connected with plural types of external apparatuses provided as the information processing unit wherein an order of priority of preliminarily set among the plural types of the external apparatuses; and wherein image processing is performed to the priority of the plural types of external apparatuses.

Referring to the Takemura reference, Takemura discloses an image processing apparatus comprising: a receiving unit (2) which receives photographed image data and additional information from a camera (1) (col. 8, lines 22-29; col. 8, line 57 – col. 9, line 12); and an information processing unit (302) which determines information relating to image processing in accordance with the additional information (col. 9, lines 1-12), and wherein the additional information is at least one of an adjustment parameter of deterioration of marginal lumination of the camera, an adjustment parameter of poor focus of the camera, an adjustment parameter of gradation control of density, or color or color of an image, an adjustment parameter of sharpness enhancement processing or smoothing processing of the image, an adjustment parameter of geometrical adjustment of the image and information relating to designation of an applicable area of these image processing, the additional information is set in the camera by a user (Figs. 3-5; col. 7, line 41 – col. 8, line 22).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have sent photographed image data with additional information to an external apparatus as disclosed by Takemura in the apparatus disclosed by Tullis in order for the user to get the desired finished photo they intended. However, Tullis in view of Takemura still fail to disclose the camera being connected with plural types of external apparatuses provided as the information processing unit wherein an order of priority of preliminarily set

among the plural types of the external apparatuses; and wherein image processing is performed to the priority of the plural types of external apparatuses.

Referring to the Tabata reference, Tabata discloses a network control method and system that connects a computer with several image forming apparatuses (external apparatuses) via a network. Furthermore, Tabata discloses an image processing method comprising the step of preliminarily setting an order of priority among the plural types of external apparatuses, and wherein image processing is performed to the priority of the plural types of external apparatuses (Figs. 8-11; col. 9, lines 40-47; col. 9, line 66 – col. 10, line 41 – The user preliminarily selects and prioritizes which features about the external apparatuses are important to the user. The computer then goes and makes a list of the external apparatuses that best meet the conditions the user has set forth and lists them to the user in order of priority that has been set preliminarily. The user then makes a selection according to the results compiled by the computer. The image processing in the Tabata reference corresponds to the finished product of the printouts – for example, zooming in on the image and reduction of the image). Although Tabata does not disclose a camera connected to the system a camera is considered to be an image forming apparatus and therefore would be included amongst the possibilities of image forming apparatus that Tabata discloses.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have designed a system connected to one or

more external apparatus with priorities preliminarily set as taught by Tabata with the camera in the Tullis in view of Takemura reference in order to allow the camera to send image data to external apparatuses for different image data processing (printing, recording, and transmitting) in any desired order.

Regarding claim 9, Tullis in view of Takemura in view of Tabata discloses all the limitations as previously discussed with respect to claim 8, including that the information processing unit supplies the determined information relating to image processing to the camera (40) by the receiving/supplying unit in accordance with processing to be performed (Tullis: col. 2, line 65 col. 3, line 1).

Regarding claim 10, Tullis in view of Takemura in view of Tabata discloses all the limitations as previously discussed with respect to claim 8, including that the receiving/supplying unit is an information communication unit (Tullis: col. 2, lines 40-43).

Regarding claim 15, Tullis discloses a photographing system comprising: a camera (40); and an image processing apparatus (10); wherein the camera (40) comprises: an image sensor (48) for obtaining photographed image data; an input unit (64) for inputting at least one of additional information and indication information of a desired processing content; and an information sending/receiving unit (72) for sending the photographed image data which has been obtained, to the image processing apparatus, as well as, receives at least one information of information relating to photographing control, information relating to image processing and information relating to a photographed image



which have been reasoned out or created by the image processing apparatus in accordance with the at least one of the photographed image data, the temporary camera control information, the additional information and the indication information, from the image processing apparatus; and wherein the image processing apparatus comprises: a receiving/supplying unit which receives the photographed image data from the camera (40) (Fig. 2; col. 2, lines 26-33 and 58-65; col. 6, lines 26-33); and an information processing unit (10) which determines the information relating to the image processing and the information relating to the photographed image in accordance with the photographed image data, wherein the at least one of the temporary camera control information, the additional information and the indication information relates to the photographed image data obtained by photographing with the camera (40) (Fig. 2; col. 2, lines 26-33 and 58-65; col. 6, lines 26-33). However, Tullis fails to disclose an image processing method wherein the camera supplies the information processing unit photographed image data along with additional information, wherein the additional information is at least one of an adjustment parameter of deterioration of marginal lumination of the camera, an adjustment parameter of poor focus of the camera, an adjustment parameter of gradation control of density, or color or color of an image, an adjustment parameter of sharpness enhancement processing or smoothing processing of the image, an adjustment parameter of geometrical adjustment of the image and information relating to designation of an applicable area of these image processing, the additional information is set in the

camera by a user. Furthermore, Tullis fails to disclose the camera being connected with plural types of external apparatuses provided as the information processing unit wherein an order of priority of preliminarily set among the plural types of the external apparatuses; and wherein image processing is performed to the priority of the plural types of external apparatuses.

Referring to the Takemura reference, Takemura discloses an image processing apparatus comprising: a camera (1); an input unit for inputting additional information (Figs.3-5); a receiving unit (2) which receives photographed image data and additional information from a camera (1) (col. 8, lines 22-29; col. 8, line 57 – col. 9, line 12); and an information processing unit (302) which determines information relating to image processing in accordance with the additional information (col. 9, lines 1-12), and wherein the additional information is at least one of an adjustment parameter of deterioration of marginal lumination of the camera, an adjustment parameter of poor focus of the camera, an adjustment parameter of gradation control of density, or color or color of an image, an adjustment parameter of sharpness enhancement processing or smoothing processing of the image, an adjustment parameter of geometrical adjustment of the image and information relating to designation of an applicable area of these image processing, the additional information is set in the camera by a user (Figs. 3-5; col. 7, line 41 – col. 8, line 22).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have sent photographed image data with

additional information to an external apparatus as disclosed by Takemura in the apparatus disclosed by Tullis in order for the user to get the desired finished photo they intended. However, Tullis in view of Takemura still fail to disclose the camera being connected with plural types of external apparatuses provided as the information processing unit wherein an order of priority of preliminarily set among the plural types of the external apparatuses; and wherein image processing is performed to the priority of the plural types of external apparatuses.

Referring to the Tabata reference, Tabata discloses a network control method and system that connects a computer with several image forming apparatuses (external apparatuses) via a network. Furthermore, Tabata discloses an image processing method comprising the step of preliminarily setting an order of priority among the plural types of external apparatuses, and wherein image processing is performed to the priority of the plural types of external apparatuses (Figs. 8-11; col. 9, lines 40-47; col. 9, line 66 – col. 10, line 41 – The user preliminarily selects and prioritizes which features about the external apparatuses are important to the user. The computer then goes and makes a list of the external apparatuses that best meet the conditions the user has set forth and lists them to the user in order of priority that has been set preliminarily. The user then makes a selection according to the results compiled by the computer. The image processing in the Tabata reference corresponds to the finished product of the printouts – for example, zooming in on the image and reduction of the image). Although Tabata does not disclose a camera connected

to the system a camera is considered to be an image forming apparatus and therefore would be included amongst the possibilities of image forming apparatus that Tabata discloses.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have designed a system connected to one or more external apparatus with priorities preliminarily set as taught by Tabata with the camera in the Tullis in view of Takemura reference in order to allow the camera to send image data to external apparatuses for different image data processing (printing, recording, and transmitting) in any desired order.

Regarding claim 17, Tullis in view of Takemura in view of Tabata discloses all the limitations as previously discussed with respect to claim 15, including that the information processing apparatus is a portable external apparatus which is directly connectable to the camera (40) or an installation-type apparatus which can communicate with the camera (40) (Tullis: Fig. 2, the computer may be directly connected to the camera using wires).

Regarding claim 18, Tullis in view of Takemura in view of Tabata discloses all the limitations as discussed with respect to claims 15 and 17, but fails to disclose that the image processing apparatus is installed in a lab shop (Takemura: col. 7, lines 8-11).

Regarding claim 19, Tullis in view of Takemura in view of Tabata discloses all the limitations as discussed with respect to claim 15 as well as disclosing the camera is connected with one or more types of portable external apparatus and

one or more types of installation-type apparatus whereupon priorities to be applied for image processing is preliminarily set among the one or more types of the external apparatus and one or more types of the installation-type apparatus, and wherein the apparatus to be applied for image processing is changed in accordance with capability of executing a specified image processing circuit (Tabata: Figs. 8-11; col. 9, lines 40-47; col. 9, line 66 – col. 10, line 41 – see claim 15 for a further explanation of the camera being connected with one or more types of portable external apparatus and one or more types of installation-type apparatus).

Regarding claims **25** and **27**, Tullis in view of Tabata discloses all the limitations as previously discussed with respect to claims 8 and 15 including that the at least one of the plural types of the external apparatus returns to the camera an image processing condition or processed photographed image data on which the image processing is performed according to the image processing condition with respect to the photographed image data received from the camera (Tullis: Fig. 4; col. 7, lines 18-39).

Regarding claim **32**, Tullis in view of Takemura in view of Tabata discloses all the limitations as previously discussed with respect to claim 1, including that the adjustment parameter is set for each area of the image (Takemura: Figs. 3-5; col. 7, line 41 – col. 8, line 22 – the brightness is changed for the entire image).

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather R. Jones whose telephone number is 571-272-7368. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Heather R Jones  
Examiner  
Art Unit 2621

HRJ  
October 29, 2007



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